



United States Court of Appeals for the Fifth Circuit

Certified as a true copy and issued
as the mandate on Jan 08, 2024

No. 23-30771

United States Court of Appeals
Fifth Circuit

FILED

December 15, 2023

Attest: *Lyle W. Cayce*
Clerk, U.S. Court of Appeals, Fifth Circuit

VESTRIA D. BARLOW,

Lyle W. Cayce
Clerk

Plaintiff—Appellant,

versus

SHELIA L. WARD, *Individually & as Officer/Owner of New Deal Productions Inc & as Officer/Executive Director of Dakar Foundation Inc & as Officer/Owner of New Deal Entertainment Inc & as Officer/Owner of New Deal Music Inc & as Officer/Owner of J D S Records Incorporated*; JOHN D SINGLETON ESTATE; NEW DEAL PRODUCTIONS, INCORPORATED; SONY PICTURES RELEASING INTERNATIONAL, CORPORATION; SONY PICTURES ENTERTAINMENT, INCORPORATED; UNIVERSAL PICTURES HOME ENTERTAINMENT, L.L.C.; UNIVERSAL TV PICTURES, L.L.C.; PARAMOUNT PICTURES CORPORATION; F X NETWORKS, L.L.C.; F X X NETWORKS, L.L.C.; TENEKA HUGHEY, *Individually & as Officer/Owner of Green Book Vacations L.L.C.*; GREEN BOOK VACATIONS, L.L.C.; WALT DISNEY COMPANY; PARAMOUNT GLOBAL, *formerly known as VIACOMCBS*, INCORPORATED; COMCAST, CORPORATION,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:23-CV-130

UNPUBLISHED ORDER

Before ELROD, HAYNES, and DOUGLAS, *Circuit Judges*.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). In this breach of contract case, on October 26, 2023, the district court dismissed multiple defendants, but left other defendants in the case. Plaintiff filed a notice of appeal from those dismissals.

We have jurisdiction over appeals from final decisions of the district courts. 28 U.S.C. § 1291. Where an action involves multiple parties or claims, as in this case, an order dismissing some of the claims or defendants is final for appellate purposes only if the district court has made an express determination that there is no just reason for delay and an express direction for the entry of judgment, *see* FED. R. CIV. P. 54(b), or certifies the case for immediate appeal pursuant to 28 U.S.C. § 1292(b). Here, the district court dismissed without prejudice fourteen defendants but left the claims against the remaining defendants pending. It did not enter the certification required by either Rule 54(b) or § 1292(b). Thus, the notice of appeal filed before all claims and all parties were disposed of is premature. We are without jurisdiction over this appeal, and it must be dismissed. *See Borne v. A&P Boat Rentals No. 4, Inc.*, 755 F.2d 1131, 1133 (5th Cir. 1985).

Accordingly, the appeal is DISMISSED for want of jurisdiction.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

January 08, 2024

Mr. Tony R. Moore
Western District of Louisiana, Shreveport
United States District Court
300 Fannin Street
Suite 1167
Shreveport, LA 71101-0000

No. 23-30771 Barlow v. Ward
USDC No. 5:23-CV-130

Dear Mr. Moore,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Majella A. Sutton, Deputy Clerk
504-310-7680

cc:

Ms. Vestria D. Barlow
Mr. Eduardo K. Curry
Ms. Teneka Hughey
Mr. Hilary J. Oran
Mr. Ross M. Raley
Ms. Mary Ellen Roy
Mr. Dan Brian Zimmerman